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GOVERNOR



STATE OF HAWAII  
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Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 2912, SENATE DRAFT 2  
RELATING TO STATEWIDE INTEGRATED SEX OFFENDER  
TREATMENT PROGRAM

by  
Nolan P. Espinda, Director

House Committee on Judiciary  
Representative Karl Rhoads, Chair  
Representative Joy A. San Buenaventura, Vice Chair

Tuesday, March 29, 2016; 2:00 p.m.  
State Capitol, Conference Room 325

Representative Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

The Department of Public Safety (PSD) **supports** Senate Bill (SB) 2912, Senate Draft (SD) 2, the purpose of which is to amend Hawaii Revised Statutes Chapter 353E to reflect nationally recognized best practices in sex offender management and current practices occurring within a Memorandum of Agreement between government agencies assigned sex offender oversight responsibilities.

The Department also notes the concerns raised to the exemption from the requirements of Chapter 92 in Section 353E-2(d) of the bill (Page 5, Line 14) and would have no objection to its deletion.

Additionally, PSD would like to request the restoration of the effective date of the bill, "upon approval," contained in the original version of the bill.

Thank you for the opportunity to present this testimony.



## *The Judiciary, State of Hawaii*

**Testimony to the  
House Committee on Judiciary**  
Representative Karl Rhoads, Chair  
Representative Joy A. San Buenaventura, Vice Chair

Tuesday, March 29, 2016, 2:00 p.m.  
State Capitol, Conference Room 325

by  
Sidney H. Nakamoto  
Probation Administrator, First Circuit

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**Bill No. and Title:** Senate Bill No. 2912, SD2, Relating to the Statewide Integrated Sex Offender Treatment Program.

**Purpose:** Amends chapter 353E, Hawai'i Revised Statutes (HRS), to reflect nationally recognized best practices in the statewide, integrated programming for sex offenders, and to identify the coordinating body for the sex offender treatment program as the "sex offender management team." Exempts the statewide integrated sex offender treatment program from the requirements of chapter 92, HRS.

### **Judiciary's Position:**

The Judiciary supports Senate Bill No. 2912, SD2, which amends chapter 353E, HRS, to reflect nationally recognized best practices in the assessment, evaluation, treatment, and supervision of sex offenders. The amendments also serve to reflect current practices of the coordinating body through a Cooperative Agreement between departments with oversight responsibilities. These practices serve to enhance community safety.

The renaming of this body reflects the full scope of its purpose, beginning with a focus on treatment, and expanding to include the supervision and management of sex offenders by specially trained supervision officers.

The Judiciary has no objection to the deletion of the originally proposed exemption of Chapter 92, HRS.



Senate Bill No. 2912, SD2, Relating to the Statewide Integrated Sex Offender  
Treatment Program  
Committee on Judiciary  
Tuesday, March 28, 2016  
Page 2

Additionally, the Judiciary requests the restoration of the effective date as that being  
“upon approval” as contained in its original version.

Thank you for the opportunity to testify on Senate Bill No. 2912, SD2.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 28, 2016 3:50 AM  
**To:** JUDtestimony  
**Cc:** blawaiianlvr@icloud.com  
**Subject:** Submitted testimony for SB2912 on Mar 29, 2016 14:00PM

**SB2912**

Submitted on: 3/28/2016

Testimony for JUD on Mar 29, 2016 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We STRONGLY SUPPORT this bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 25, 2016 3:27 AM  
**To:** JUDtestimony  
**Cc:** blawaiianlvr@icloud.com  
**Subject:** Submitted testimony for SB2912 on Mar 29, 2016 14:00PM

**SB2912**

Submitted on: 3/25/2016

Testimony for JUD on Mar 29, 2016 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	No

Comments: We STRONGLY SUPPORT the intent of this bill. However, we seek one amendment: Please remove the exemption of Chapter 92 (Rule making/publication requirements). The Governor's promise of open & transparent Government to bring back trust in government, must be maintained by rejecting the urge to avoid following established laws. If you don't like the law, change it, don't circumvent it!

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HOUSE COMMITTEE ON JUDICIARY

Tuesday, March 29, 2016, 2 pm, House Conference Room 325  
SB 2912, SD 2

RELATING TO THE STATEWIDE INTEGRATED SEX OFFENDER TREATMENT PROGRAM  
TESTIMONY

Douglas Meller, Legislative Committee, League of Women Voters of Hawaii

Chair Rhoads, Vice Chair San Buenaventura, and Committee Members:

**The League of Women Voters of Hawaii opposes total exemption of the statewide integrated sex offender treatment program from compliance with Chapter 92, Hawaii Revised Statutes.** We believe the Sunshine Law should apply when the proposed sex offender management team meets to discuss budgeting and expenditure of public funds; grant applications; research reports; and development, evaluation, and updates of a statewide master plan, programs, standards, guidelines, and “best practices”.

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
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250 SOUTH HOTEL STREET, SUITE 107  
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TELEPHONE: 808-586-1400 FAX: 808-586-1412  
EMAIL: oip@hawaii.gov

To: House Committee on Judiciary

From: Cheryl Kakazu Park, Director

Date: March 29, 2016, 2:00 p.m.  
State Capitol, Conference Room 325

Re: Testimony on S.B. No. 2912, S.D. 2  
Relating to the Statewide Integrated Sex Offender Treatment Program

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Thank you for the opportunity to submit testimony on this bill. The Office of Information Practices (“OIP”) is concerned that the proposed Sex Offender Management Team, which appears to be charged with the formation of policies of the sort the Sunshine Law is intended to open up to public scrutiny and participation, would be exempt from the Sunshine Law under this bill.

To the extent that the Sex Offender Management Team will be discussing individual criminal and patient files and similar information, an exception to the Sunshine Law limited to discussion of information whose disclosure would be a clearly unwarranted invasion of personal privacy could be appropriate to protect individual privacy, although it may not be necessary given that the Sunshine Law already allows closed meetings for a board’s discussion of matters made confidential by law, which would likely cover such files.

However, the language of the bill indicates that the group’s focus will not be on the progress of individual cases, but rather on overseeing the development and implementation of statewide policies for various aspects of sex offender treatment programs. Section 92-1, HRS, sets out as a stated purpose of the

Sunshine Law and a policy of the state that “the formation and conduct of public policy – the discussions, deliberations, decisions and action of governmental agencies – shall be conducted as openly as possible.” Given this state policy, OIP would recommend that this Committee consider carefully whether there is a sound reason for exempting the Sex Offender Management Team from the Sunshine Law as this bill would do. **If this Committee does not find a sound reason why the Sunshine Law should not apply to the group’s discussions, deliberations, decisions and action regarding the development and implementation sex offender treatment programs, OIP would recommend that this Committee delete the Sunshine Law exemption set out at bill page 5 lines 14-17.**

Thank you for the opportunity to testify.

THE CIVIL BEAT  
LAW CENTER FOR THE PUBLIC INTEREST

700 Bishop Street, Suite 1701  
Honolulu, HI 96813

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House Committee on Judiciary  
Honorable Karl Rhoads, Chair  
Honorable Joy A. San Buenaventura, Vice Chair

**RE: Testimony Opposing S.B. 2912 S.D. 2,  
Relating to the Statewide Integrated Sex Offender Treatment Program**

Hearing: March 29, 2016 at 2:00 p.m.

Dear Chair and Members of the Committee:

My name is Brian Black. I am the Executive Director of the Civil Beat Law Center for the Public Interest, a nonprofit organization whose primary mission concerns solutions that promote government transparency. Thank you for the opportunity to submit testimony **opposing the scope of the proposed Sunshine exemption in S.B. 2912 S.D. 2.**

*Development of a "comprehensive statewide master plan" and general "continuum of programs" for sex offenders should be a **public** process.*

In addition to work concerning individual sex offenders, HRS § 353E-1 provides that the Statewide Integrated Sex Offender Treatment Program brings together agencies to jointly develop a statewide master plan and continuum of programs for sex offenders, prepare training and education programs, conduct research, seek grant funding, and – as proposed in S.B. 2912 S.D. 2 – develop standards and guidelines. These functions concern matters of general policy that deserve the public access and participation afforded by the Sunshine Law.

Because the Program also handles implementation of the master plan as to individual sex offenders, the Law Center takes no position on a more narrowly-tailored exemption.

Thank you again for the opportunity to testify.